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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,609	12/22/2004	Yutaka Shimada	262232US6PCT	8517
22850	7590	06/29/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			PHAM, VAN T	
			ART UNIT	PAPER NUMBER
			2627	
DATE MAILED: 06/29/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/517,609

Applicant(s)

SHIMADA ET AL.

Examiner

VAN T. PHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner. .  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

*Election/Restrictions*

1. Applicant's election without traverse of Species b. (Figs. 12-16 according to claims 22-26) in the reply filed on 5/10/2006 is acknowledged.

*Drawings*

2. Fig. 13 is objected to because in specification [0120] discloses "on the first disc base 62, a first signal recording layer 65 is provided in the bonded surface side", "a recording track T61 provided in the first signal recording layer 65 is, as shown in Fig. 13, elements T61 or 65 are never shown in Fig. 13. And element T62 should not be in Fig. 13.

Fig. 14 is objected because in specification [0121] discloses "on the second disc base 63, a second signal recording layer 67 is provided in the bonded surface side", "a recording track T62 provided in the second signal recording layer 67 is, as shown in Fig. 14", element 67 is never shown in Fig. 14.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

3. The disclosure is objected to because of the following informalities:

According to [0120]-[0130] which does not disclose elements 5, 7, 13a, 13b in Fig. 12.

Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Kichizaemon Okazaki (JP 63-268160).

Regarding claim 22, Kichizaemon Okazaki discloses an adjusting device for an optical pickup comprising: a rotating and driving mechanism for rotating and driving an optical disc for adjusting an optical pickup including (see Fig. 1): a first signal recording part that is irradiated with a laser beam from one surface side; and a second signal recording part that is irradiated with the laser beam from the other surface side to record data so that a scanning direction by the laser beam is opposite to that of the first signal recording part (see Figs. 6-8); and an adjusting mechanism part for applying the laser beam to the signal recording part of the opposed side of the first and second recording parts of the adjusting optical disc from at least one of first and

second optical pickups respectively disposed to be opposed to the surfaces of the adjusting disc, and detecting a rejected light from the opposed signal recording part to adjust the one optical pickup (see Figs. 6-8, abstract and pages 3-4).

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kichizaemon Okazaki (JP 63-268160) in view of Honda Hidetoshi (JP 01-204228).

Regarding claims 23 and 24, see Fig. 6, discloses the adjusting device for an optical pickup according to claim 22, further comprising a control part for controlling the operations of the first and second optical pickups, wherein a mechanism for moving the light source of the first or the second optical pickup, while the focusing control is made operative and the tracking control is made inoperative by the control part, to adjust an optical path from the light emitting point of the laser beam to the adjusting disc (see page 11). However, Kichizaemon does not disclose an adjusting mechanism part includes a photodetector adjusting mechanism for adjusting an optical axis of a photodetector of the first or second optical pickup under an inoperative state of the focusing control and the tracking control of an objective lens of the one optical pickup by the control part. Kichizaemon discloses a control part (control system, see Fig. 2).

Honda, see abstract and Figs. 1-5, discloses an adjusting mechanism part includes a photodetector adjusting mechanism for adjusting an optical axis of a photodetector of an optical pickup under an inoperative state of the focusing control and the tracking control of an objective lens of the optical pickup (noted that Honda discloses the adjusting the moving of the semiconductor laser in an optical direction, adjusting the moving of a photo-detector in an orthogonal direction to the optical axis and fixing the photo-detector after adjustment, see abstract).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an adjusting mechanism part includes a photodetector in Kichizaemon as suggested by Honda, the motivation being in order to be easily adjust focusing (see Honda Purpose).

8. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kichizaemon Okazaki (JP 63-268160) in view of Honda Hidetoshi (JP 01-204228) further in view of the admitted art.

Regarding claim 25, the combination of Kichizaemon and Honda, discloses the adjusting device for an optical pickup according to claim 24. However, the combination of Kichizaemon and Honda does not disclose the adjusting mechanism part includes an objective lens adjusting mechanism part for adjusting the inclination of the optical axis of the objective lens of the first or the second optical pickup so that a jitter component of a signal obtained from the photodetector of the first or the second optical pickup becomes minimum.

The admitted art discloses an adjusting mechanism part includes an objective lens adjusting mechanism part for adjusting the inclination of the optical axis of the objective lens of

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the first or the second optical pickup so that a jitter component of a signal obtained from the photodetector of the first or the second optical pickup becomes minimum (see PG PUB, paragraph [0005]-[0012]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an adjusting mechanism part includes an objective lens in the combination of Kichizaemon and Honda as suggested by the admitted art, the motivation being in order to be displaced in the focusing direction and the tracking direction (see the admitted art [0006]).

Regarding claim 26, the combination of Kichizaemon, Honda and the admitted art, discloses the adjusting device for an optical pickup according to claim 25, wherein the adjusting mechanism part includes an output control part for adjusting the output level of the light source of the first or the second optical pickup so that the level of a signal formed in accordance with the signal obtained from the photodetector of the first or the second optical pickup reaches an optimum value (see [0011]-[0012]).

#### *Cited References*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to:

- a. Double-sided optical disc player (Sato. EP 0512 860).
- b. Magneto-optical disk system having an objective lens with a numerical aperture related to the thickness of the protective layer (Watanabe et al. US 5,914,915).
- c. Optical pickup device (JP 01-204228).

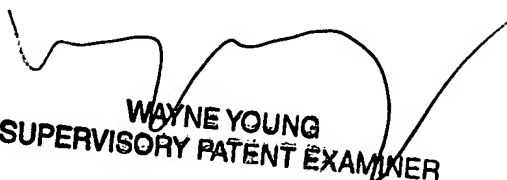
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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is 571-272-7590. The examiner can normally be reached on Monday-Thursday from 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP

  
WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER